

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>SEARS ROEBUCK & CO., a New York Corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>CEI ROOFING, INC. & CO., d/b/a/ GENERAL ROOFING, a Texas Corporation,</p> <p style="text-align: center;">Defendant,</p> <p>And</p> <p>BFS DIVERSIFIED PRODUCTS, L.L.C., an Indiana Corporation,</p> <p style="text-align: center;">Intervening Third Party Plaintiff,</p> <p>v.</p> <p>WINCON SERVICES, INC., a Wisconsin Corporation; SEARS ROEBUCK & CO., a New York Corporation; and EASTLAND 038 PARTNERS, L.P., a Michigan Limited Partnership,</p> <p style="text-align: center;">Third Party Defendants.</p>	<p>Case No. 05-71554</p> <p>Hon. Lawrence P. Zatkoff Mag. Judge Virginia Morgan</p> <p style="text-align: center;"><u>STIPULATION AND ORDER GRANTING BFS DIVERSIFIED PRODUCTS, LLC'S MOTION TO INTERVENE AS THIRD PARTY PLAINTIFF AND FILE THIRD PARTY COMPLAINT</u></p>
<p>MILLER, CANFIELD, PADDOCK AND STONE, P.L.C. Joseph F. Galvin (P47262) Matthew P. Allen (P57914) Attorneys for Intervenor BFS Diversified, L.L.C. 150 W. Jefferson, Ste. 2500 Detroit, MI 48226 (313) 963-6420</p>	<p>BLACK, DUGGAN & MOSS, P.C. Bruce N. Moss (P36588) Attorneys for Plaintiff Sears 888 W. Big Beaver Road, Suite 777 Troy, Michigan 48084 (248) 273-0900</p> <p>VANDEVEER GARZIA, P.C. Gary A. Miller (P28643) Attorney for Defendant CEI Roofing, Inc. 1450 W. Long Lake Road, Suite 100 Troy, Michigan 48098 (248) 312-2800</p>

**STIPULATION AND ORDER GRANTING BFS DIVERSIFIED
PRODUCTS, L.L.C.'S MOTION TO INTERVENE AS THIRD PARTY
PLAINTIFF AND FILE THIRD PARTY COMPLAINT**

This matter having come before the Court by stipulation of Plaintiff and proposed Third Party Defendant Sears Roebuck & Co. ("Sears"), Defendant CEI Roofing, Inc. ("CEI"), and proposed Third Party Plaintiff BFS Diversified Products, LLC ("BFS"), BFS satisfying the requirements of FED. R. CIV. P. 24 to intervene in this lawsuit, BFS's Third Party Complaint seeking to add Third Party Defendants Wincon Services, Inc. ("Wincon") and Eastland 038 Partners, L.P. ("Eastland Partners") as necessary parties to this lawsuit, and for the reasons stated in BFS's Motion to Intervene as Third Party Plaintiff and Brief in Support thereof, IT IS HEREBY ORDERED that:

1. BFS's Motion to Intervene as Third Party Plaintiff is GRANTED; and
2. A summons shall issue on BFS's Third Party Complaint against Wincon, Sears, and Eastland Partners pursuant to FED. R. CIV. P. 24(c) (holding that intervenor's motion "shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.").

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge

Dated: November 3, 2005

Approved as to form and substance:

<p>MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.</p> <p>By: <u>s/Matthew P. Allen</u> Joseph F. Galvin (P13821) Matthew P. Allen (P57914) Attorneys for Third Party Plaintiff BFS 150 West Jefferson, Suite 2500 Detroit, MI 48226-4415 (313) 963-6420</p> <p>VANDEVEER GARZIA, P.C.</p> <p>By: <u>s/Gary A. Miller w/consent</u> Gary A. Miller (P28643) Attorneys for Defendant CEI Roofing, Inc. 1450 W. Long Lake Road, Suite 100 Troy, Michigan 48098 (248) 312-2800</p> <p>Date: October 28, 2005</p>	<p>BLACK, DUGGAN & MOSS, P.C.</p> <p>By: <u>s/Bruce N. Moss w/consent</u> Bruce N. Moss (P36588) Attorneys for Plaintiff Sears 888 W. Big Beaver Road, Suite 777 Troy, Michigan 48084 (248) 273-0900</p>
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